

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20571 of 2019

Dr. Shankari Venkataraman

.. Petitioner

Vs.

1.The Secretary to Government,  
Health & Family Welfare(A1) Department,  
Fort St.George, Chennai-9

2. The Director of Medical Education,  
Kilpauk, Chennai-10.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to sanction interest @ 12% p.a for the belated payment of the retirement benefits namely: Gratuity, commuted pension, surrender leave from 01.02.2001 to till the date of actual disbursement within a reasonable time.

For Petitioner : Mr. K. Venkataraman(Senior Counsel)  
for Mr.M.Muthappan

For Respondent-1 : Mr. A.N. Thambi Durai  
(Special Government Pleader)

For Respondent-2 : Mr.V.Kadhir Velu  
(Special Government Pleader)

ORDER

This writ petition has been filed directing the respondents to sanction interest @ 12% p.a for the belated payment of the retirement benefits namely: Gratuity, commuted pension, surrender leave from 01.02.2001 to till the date of actual disbursement.

2.The case of the petitioner is that the petitioner was appointed as Assistant Surgeon and thereafter, she obtained Post Graduate Degree in the Physiology Department of Madras Medical college and was promoted as Associate Professor and finally as

Head of Department. She was superannuated from service on 30.06.2011 and at the time of superannuation he was serving as Professor and Head of Department in Stanley Medical College. Further, even though the seniors of the petitioner gave their consent letters for relinquishment, the petitioner was not promoted as Director & Professor, Institute of Physiology.

3.Hence the petitioner approached the Tribunal in O.A.No.4025 of 2001 to consider her claim for promotion as Director of Physiology and the Tribunal granted an interim order on 31.08.2001 directing the respondents to temporarily promote the petitioner based on the consent letters for relinquishment given by Senior Doctors. The said interim order was neither challenged by the Department nor complied with and the above O.A. was transferred to the file of this Court in W.P.No.11074 of 2003 and on 17.06.2003, the said W.P was disposed with a direction to the 1st respondent to consider the representation of the petitioner and also directed the petitioner to make fresh representation and the petitioner in turn made a representation on 25.09.2008, but the same was rejected by the 1st respondent. Aggrieved over the same the petitioner approached this Court in W.P.No.14396 of 2011 and sought for a direction, temporarily to promote her as Director & professor in the Department of Physiology and this Court by an order dated 19.02.2014 directed the first respondent to follow the direction given by this Court on the earlier W.P.No.11074 of 2003 and also narrated the fact that the Interim order passed by the Tribunal has not been complied with and further directed the first respondent to pass appropriate orders. Following the directions the petitioner was promoted as Director of Physiology and the salary was fixed accordingly.

4.The learned counsel for the petitioner submitted that due to the delayed promotion granted to the petitioner, the petitioner received the monetary benefits belatedly. Hence, he is entitled to 12% interest p.a for the belated payment and prays to grant the same.

5.The learned counsel for the respondents submitted that they have followed the directions of this Court and granted promotion to the petitioner and the retirement benefits namely Gratuity, commuted pension etc., was granted to the petitioner in accordance with the rules.

6.Taking into consideration the facts and circumstances of this case, the respondent herein is directed to consider the representation of the petitioner dated 08.01.2019 and pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

With the above directions this writ petitions is disposed of. No costs.

s/d-  
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

smn

To

1.The Secretary to Government,  
Health & Family Welfare(A1) Department,  
Fort St.George, Chennai-9

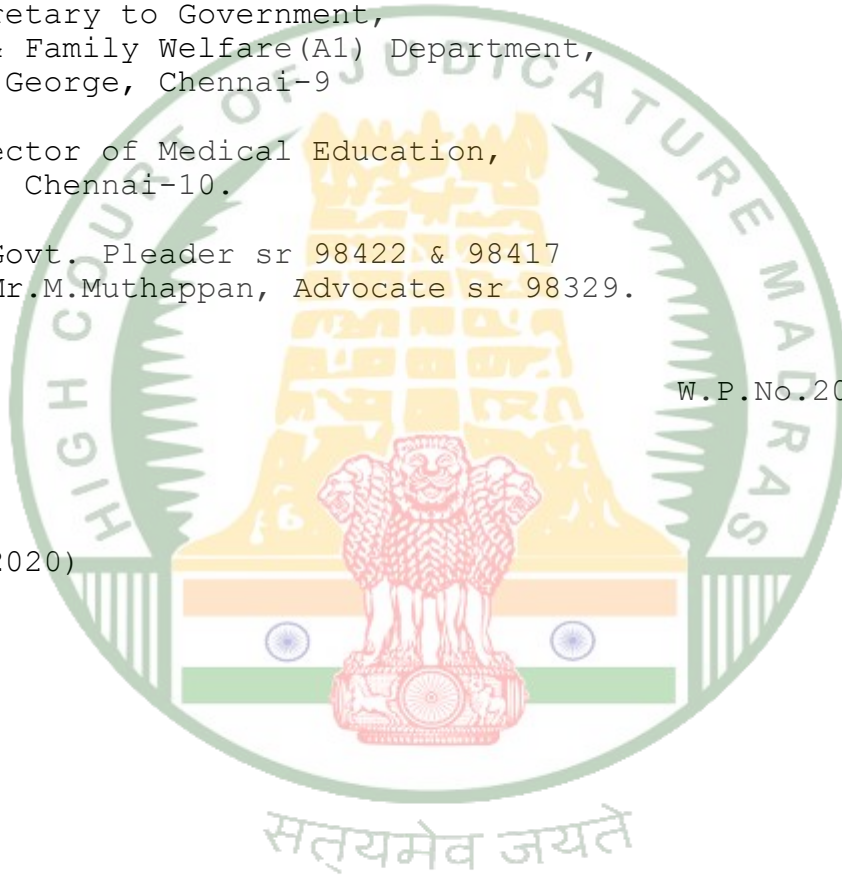
2.The Director of Medical Education,  
Kilpauk, Chennai-10.

+1 CC to Govt. Pleader sr 98422 & 98417

+1 CC to Mr.M.Muthappan, Advocate sr 98329.

W.P.No.20571 of 2019

PA(CO)  
SP(02/01/2020)



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